

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELITE PHYSICIAN SERVICES LLC,

Plaintiff,

-v.-

CITICORP PAYMENT SERVICES INC.,

Defendant.

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ELITE PHYSICIAN SERVICES LLC,

Plaintiff,

-v.-

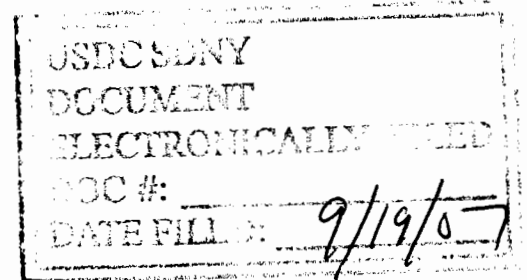
CITICORP CREDIT SERVICES INC.,

Defendant.

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

After consultation with the parties, the following scheduling order is adopted by the Court pursuant to Rule 16 of the Federal Rules of Civil Procedure:

1. The above-captioned cases are consolidated for all purposes. All future filings with respect to either case shall be made in Docket 06 Civ. 2447.
2. The Motion for Voluntary Dismissal Without Prejudice Pursuant to FRCP 41(a)(2), (Docket # 15 in 06 Civ. 2447) is deemed withdrawn at the request of plaintiff.
3. All requests for documents and interrogatories pursuant to Local Civil Rule 33.3(a) shall be served by October 2, 2007.
4. All non-expert discovery shall be commenced in time to be completed by May 15, 2008.



5. Disclosures of the identities and reports of experts, if any, as required by Rule 26(a)(2)(A) and (B), will be made by June 5, 2008.

The disclosure of identities and reports of any expert intended by an opposing party solely to rebut previously-disclosed expert evidence shall be made by June 26, 2008.

6. Depositions of experts shall be completed by July 15, 2008.
7. No discovery shall take place after July 15, 2008.
8. The parties shall inform each other by letter by July 22, 2008 whether either intends to file a dispositive motion.
9. Any dispositive pretrial motions shall be served by August 15, 2008.¹
10. If no party states its intention to file a dispositive pre-trial motion, plaintiff(s) will supply pretrial order materials to defendant(s) in accordance with the requirements of the rules of the assigned District Judge on or before August 15, 2008. The pre-trial order shall be filed within 15 days thereafter. If, however, a dispositive motion is served on or before the date in the previous paragraph, the due date of the plaintiff's portion of the pretrial order materials shall be extended to 30 days following decision on the dispositive motion and the pretrial order shall be filed within 15 days thereafter.
11. All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the application. The application also must state the position of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. 'Good cause' as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.
12. All applications to the Court must comply with this Court's Individual Practices, which are available through the Clerk's Office or at: www.nysd.uscourts.gov/judges.htm

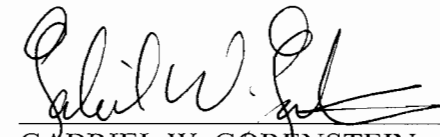
¹The parties shall follow the rules of the assigned District Judge with respect to any filing or other requirements for dispositive motions. In the event the assigned District Judge requires a pre-motion conference prior to the filing of a dispositive motion, the party must make a request in writing for such a conference by the above date and shall not serve or file the motion until the party has received instructions from the assigned District Judge with respect to the due date for the motion.

Discovery applications -- that is, any application or motion pursuant to Rules 26 through 37 or 45 -- not only must comply with ¶ 2.A. of the Court's Individual Practices but also must be made promptly after the cause for such an application arises. In addition, absent extraordinary circumstances no such application will be considered if made later than 30 days prior to the close of discovery. Untimely applications will be denied.

13. Defendant's counsel is once again directed to file register their e-mail address with the CM/ECF system in the 06 Civ. 2447 docket so that they may receive future notices on this case electronically.

SO ORDERED.

Dated: New York, New York
September 18, 2007



GABRIEL W. GORENSTEIN
United States Magistrate Judge

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